

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STANTON HARRY MCCAIN, II,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, et
al.,

Defendant.

CASE NO. 3:20-cv-05650-RSM-BAT

**ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER
SURVEILLANCE VIDEO ORDER
RE-NOTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

Plaintiff moves the Court to reconsider its Order dated July 2, 2021, Dkt. 59, which directed he be given the opportunity to view the surveillance video in the law library by July 19, 2021, and that his declination to do so will be deemed a waiver of the viewing of the video. Dkt. 63. Plaintiff also moves for a 45-day extension to respond to the Defendants' summary judgment motion. *Id.*

In his motion, Plaintiff avers DOC staff met with him on July 15, 2021 to arrange for Plaintiff a viewing of the surveillance video in the prison law library. *Id.* at 2. Plaintiff declined to view the video in the library and argues his health precludes viewing the video anywhere except his cell. *Id.* The Court has already considered and rejected Plaintiff's argument that his health precludes viewing the video in the library, and accordingly declines to reverse its order of July 2, 2021. The Court also notes the Defendants' motion for summary judgment has been

1 pending since January 2021, and the issue of Plaintiff's health and where the surveillance video
2 should be viewed has delayed resolution of the motion for many months. The Court accordingly

3 ORDERS:

4 1. Plaintiff's motion, Dkt. 63, to reconsider the order issued July 2, 2021, Dkt. 59, is
5 DENIED.

6 2. Plaintiff's motion for a 45-day extension to respond to the motion for summary
7 judgment is DENIED. However, the Court GRANTS Plaintiff leave to file a response to the
8 motion for summary judgment no later than August 9, 2021.

9 3. The Clerk shall re-note the motion for summary judgment, Dkt. 27, for August
10 13, 2021 as ready for the Court's consideration.

11 DATED this 28th day of July, 2021.

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14 BRIAN A. TSUCHIDA
United States Magistrate Judge